EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-1754-WQ-E TCEQ ID: RN105136311 CASE NO.: 34880

RESPONDENT NAME: Joe Johnson dba B & J Sand and Gravel

ORDER TYPE:					
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING			
SHUTDOWN ORDER		IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER			
AMENDED ORDEREMERGENCY ORDER					
CASE TYPE:					
AIR	MULTI-MEDIA (check all that apply)				
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION			
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL			
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION			
SITE WHERE VIOLATION(S) OCCURRED: B & J Sand and Gravel, at the intersection of Waco Drive and Reeder Road in the Royal Oaks Estates Subdivision, Llano County TYPE OF OPERATION: Sand and gravel pit SMALL BUSINESS: X YesNo OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on April 21, 2008. No comments were received. CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-0321; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Joe Johnson, Owner, B & J Sand and Gravel, P. O. Box 1156, Kingsland, Texas 78639 Mr. Brad Shaw, Power of Attorney for Joe Johnson, B & J Sand and Gravel, P. O. Box 1156, Kingsland, Texas 78639					

VIOLATION SUMMARY CHART: SRIPER TYPE **VIOLATION INFORMATION** PENALTY CONSIDERATIONS CORRECTIVE ACTIONS - 17. DE LE SANCTER PARAMETER HADIYAN MARKED OFFICE TAKEN/REQUIRED 3/ Georg Type of Investigation: Total Assessed: \$2,100 **Ordering Provisions:** ___ Complaint ___ Routine Total Deferred: \$420 The Order will require the Respondent to: Enforcement Follow-up X Expedited Settlement X Records Review a) Within 30 days after the effective date Financial Inability to Pay of this Agreed Order: Date(s) of Complaints Relating to this Case: None SEP Conditional Offset: \$0 i. Develop and implement a storm water pollution prevention plan; and Date of Record Review Relating to this Total Paid to General Revenue: \$1,680 Case: September 27, 2007 ii. Submit an administratively complete Site Compliance History Classification Notice of Intent for authorization to Date of NOE Relating to this Case: __ High X Average __ Poor discharge under Texas Pollutant Discharge October 18, 2007 (NOE) Elimination System General Permit Person Compliance History Classification TXR050000. Background Facts: This was a routine __ High X Average Poor record review. Major Source: Yes X No b) Within 45 days after the effective date WATER of this Agreed Order, submit written Applicable Penalty Policy: September 2002 certification and include detailed Failure to obtain authorization to discharge supporting documentation to demonstrate storm water associated with construction compliance with Ordering Provision a. activities to water in the state [30 Tex. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c)].

Additional ID No(s).: None

Policy Revision 2 (Septe	•	Calculation	n Works	sheet (Po	•	September 19, 2007
TCEQ DATES Assigned PCW	22-Oct-2007 Screening	29-Oct-2007	EPA Due			
RESPONDENT/FACILITY I Respondent Reg. Ent. Ref. No. Facility/Site Region	loe Johnson dba B & J Sar RN105136311	nd and Gravel	Major/I	Minor Source	Minor	
CASE INFORMATION Enf./Case ID No.	34880 2007-1754-WQ-E			of Violations Order Type	1660	
Media Program(s) Multi-Media Admin. Penalty \$ L		Maximum	\$10,000		Harvey Wilson Enforcement Team 3	3
TOTAL BASE PENAL		ilty Calcula base penaltie		tion	Subtotal 1	\$2,000
ADJUSTMENTS (+/-) Subtotals 2-7 are obtain Compliance Histo	ed by multiplying the Total Base P	kongsterrednik okončenic milo si provensky, svo staročenická, osobni observanick	the indicated per Enhancement		otals 2, 3, & 7	\$100
Notes	A 5% enhancement is rec	violation.		vith the same	the same that dissipation is a first	•
Culpability Notes	No The Respondent of		Enhancement culpability cr	iteria.	Subtotal 4	\$0
Good Faith Effort Extraordinary Ordinary	Before NOV NOV to EDP	0% RP/Settlement Offer	Reduction		Subtotal 5	\$0
N/A Notes	X (mark with x) The Respondent of	does not meet the	good faith cr	iteria.		
Approx. C	Total EB Amounts \$30 cost of Compliance \$1,000		Enhancement* at the Total EB \$	& Amount	Subtotal 6	\$0
SUM OF SUBTOTALS				P	Final Subtotal	\$2,100
OTHER FACTORS AS Reduces or enhances the Final St Notes			0%	THE STATE OF THE S	Adjustment	\$0
and the second s	And the second s	interest parameters and the second	6. V.C 6.0900	and a second sec	nalty Amount	\$2,100
STATUTORY LIMIT A DEFERRAL			20%	Reduction	Adjustment	\$2,100 -\$420
Reduces the Final Assessed Pena Notes		ered for expedite		uction.)		
PAYABLE PENALTY					·	\$1,680

PAYABLE PENALTY

Screening Date 29-Oct-2007

Docket No. 2007-1754-WQ-E

Respondent Joe Johnson dba B & J Sand and Gravel

Case ID No. 34880

Reg. Ent. Reference No. RN105136311 Media [Statute] Water Quality Enf. Coordinator Harvey Wilson Policy Revision 2 (September 2002) PCW Revision September 19, 2007

Compliance History Worksheet

>>	Comp	liance History Component	Site Enhancement (Subtotal 2). Number of	Inter Number Here	Adjust.
		NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
		Year A	Other written NOVs	0 " '	0%
		12	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)		0%
		Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
		Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
		and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
		Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
į		Emissions	Chronic excessive emissions events (number of events)	0	0%
		Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
			Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
		r		se Enter Yes or No	<u>-</u>
			Environmental management systems in place for one year or more	No	0%
	Other		Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
			Participation in a voluntary pollution reduction program	No	0%
	•		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
			Adjustment P	ercentage (Su	btotal 2) 5%
>>	Repea	at Violator (Su	btotal 3)	Section 3	133.24.27.27
		No	Adjustment P	ercentage (Su	btotal 3) 0%
>>	Comp	liance History	Person Classification (Subtotal 7)	A Security of the second	
		Average Pe	erformer Adjustment P	ercentage (Su	btotal 7) 0%
>>	Comp	llance History	Summary		
		Compliance History Notes	A 5% enhancement is recommended due to one NOV with the same violation	1. t.	
			Total Adjustment Percentage	(Subtotals 2	, 3, & 7) 5%

Screening Date	29-Oct-2007	Docke	t No. 2007-1754-WQ-E	PCW
Respondent	Joe Johnson dba B & J Sa	nd and Gravel	Polic	y Revision 2 (September 2002)
Case ID No.			PCW	Revision September 19, 2007
Reg. Ent. Reference No.				
Media [Statute]				
Enf. Coordinator_	Harvey Wilson	•		
Violation Number	1 1			
Rule Cite(s)	30 Tex. Admin. Code § 28	31.25(a)(4) and 40 Co	ode of Federal Regulations § 122.26(d	s)
Violation Description	activities to water in the s Texas Pollutant Discharge	state. Specifically, the Elimination System	orm water associated with construction e Respondent was operating without a ("TPDES") Multi-Sector General Perm 27, 2007 record review.	a
			Base Pena	ty \$10,000
>> Environmental, Property a	nd Human Health Mat	trix		
	Harm			
OR Release	Major Moderate	Minor		
Potential			Percent 0%	
Toternal		<u>ILi</u>	070	
>>Programmatic Matrix		5 7 E 5 2 3		
Falsification	Major Moderate	Minor		
	× l		Percent 10%	
30				
Matrix Notes	100% of the	e rule requirement wa	as not met.	
			Adjustment \$9,0	00
	•		Aujustilient	<u> </u>
		•		\$1,000
Violation Events				
Number of Vio	lation Events 2		Number of violation days	######################################
	**************************************	=		
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The second secon	monthly x		Violetian Bass Bass	\$2,000
mark only one with an x	quarterly semiannual	4	Violation Base Pena	lty \$2,000
	annual			distance of
-	single event	1		
	<u> </u>	리		
Two monthly		from the date of the screening (10/29/200	record review (9/27/2007) until the da 7).	te
Economic Benefit (EB) for th	s violation		Statutory Limit Test	
Fetimator	I EB Amount	\$30	Violation Final Penalty To	tal \$2,100
Latinated			·	
	. 1	This violation Final	Assessed Penalty (adjusted for limi	ts) \$2,100

Case ID No. : Reg. Ent. Reference No. :	34880	oa B & J Sand and	Gravel			าร เมษายน (ค.ศ. 1954) เมษายน (ค.ศ. 1954)	o
2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	Water Quality					Percent Interest	Years of Depreciation
				2014 COLUMN		5.0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	A STANDARD CONTRACTOR AND A STANDARD CONTRACTOR ASSESSMENT OF THE STAN		4 10 10 10 10	and the second second		Oneunie Costs	EB Alliount
Delayed Costs		San		(1964) (A)	cra de la como de la c		
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction			file the action that	0,0	\$0	\$0	\$0
Land L			The state of the s	0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	i n/a	\$0
Training/Sampling			The state of the s	0.0	\$0	in/a	\$0
Remediation/Disposal			and the second of the second o	0.0	\$0	se n/a	\$0
Permit Costs	\$1,000	27-Sep-2007	1-May-2008	0.6	\$30	n/a	\$30
Other (as needed)						ireparing and submi	
Other (as needed) Notes for DELAYED costs Avoided Costs	of Intent.	Date Required is t	he date the violati	ution pre on was c complian	vention plan and p documented. Fina ce.		tting the Notice led date of
Notes for DELAYED costs	of Intent.	Date Required is t	he date the violati	ution pre on was c complian	vention plan and p documented. Fina ce.	reparing and submi I Date is the estimat	tting the Notice led date of
Notes for DELAYED costs Avoided Costs	of Intent.	Date Required is t	he date the violati	ution pre on was o complian	vention plan and p locumented. Fina ce. Item (except for	reparing and submil I Date is the estimal	tting the Notice ed date of osts)
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	of Intent.	Date Required is t	he date the violati	ution pre on was o complian ntering 0.0 0.0	vention plan and placemented. Fina ce. item (except for \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0	tting the Notice ed date of osts) \$0 \$0 \$0
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Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	of Intent.	Date Required is t	he date the violati	on was complian on tering 0.0 0.0 0.0 0.0 0.0	vention plan and plocumented. Fina de. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	orepaining and submil I Date is the estimal cone-time avoided of \$0 \$0 \$0 \$0 \$0	tting the Notice led date of Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Gosts Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	of Intent.	Date Required is t	he date the violati	on was complian on tering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	vention plan and plocumented. Fina de. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	oreparing and submill Date is the estimal constitution of the street of the submillion of the submilli	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Rating: 2.33

Site Rating: 2.50

Compliance History Classification: AVERAGE CN601213648 JOHNSON, JOE Customer/Respondent/Owner-Operator: RN105136311 **B & J SAND AND GRAVEL** Classification: AVERAGE Regulated Entity: ID Number(s): located at the intersection of Waco Drive and Reeder Rating Date: September 01 07 Location: Road in the Royal Oaks Subdivision in Llano County, Repeat Violator: NO Texas **REGION 11 - AUSTIN** TCEQ Region: October 26, 2007 Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement Compliance Period: October 26, 2002 to October 26, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History 239-0321 Name: Harvey Wilson Phone: Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. A. Any criminal convictions of the state of Texas and the federal government. B. N/A Chronic excessive emissions events. C. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 01/25/2007 (536248)(595990)2 10/18/2007 Written notices of violations (NOV). (CCEDS Inv. Track. No.) E. Date: 01/25/2007 (536248)Classification: Major Self Report? 30 TAC Chapter 281, SubChapter A 281.25(a)(4) Citation: Failure to obtain coverage under the Texas Pollutant Discharge Elimination Description: System (TPDES) Multi-Sector General Permit (MSGP). F. Environmental audits. N/A G. Type of environmental management systems (EMSs). N/A Voluntary on-site compliance assessment dates. H. Participation in a voluntary pollution reduction program. ١. N/A

Sites Outside of Texas

J.

Early compliance.

N/A

N/A

attribute de la companya de la comp

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



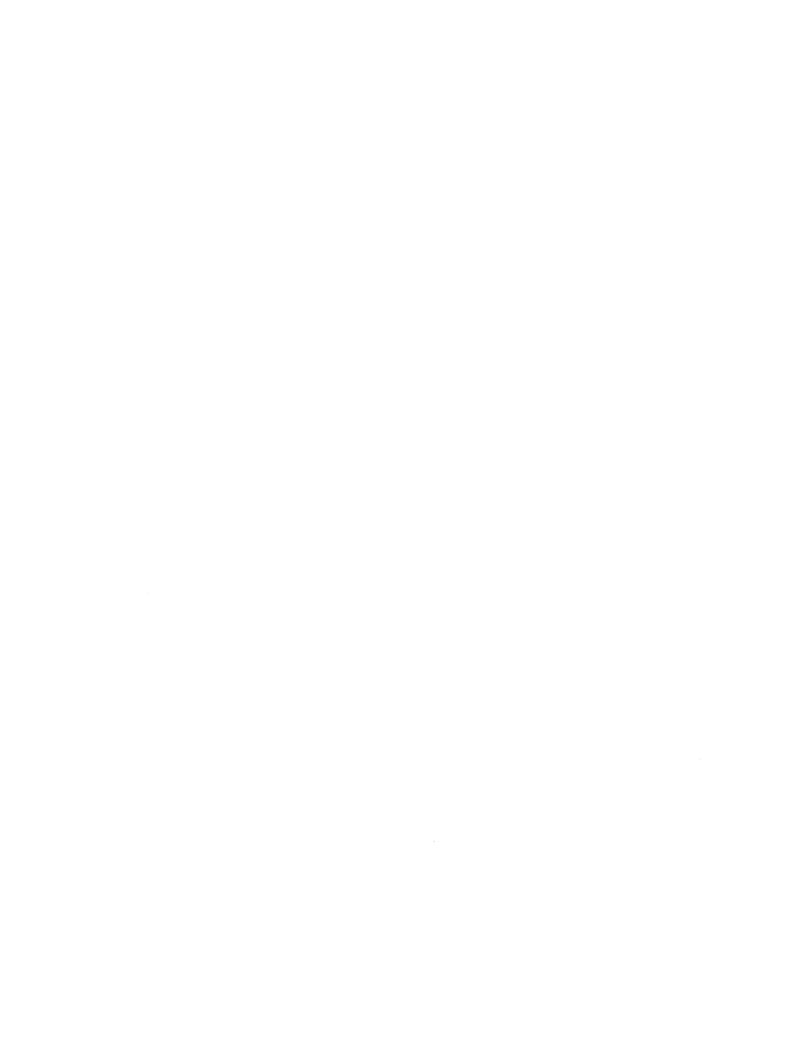
IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
JOE JOHNSON DBA	§	TEXAS COMMISSION ON
B & J SAND AND GRAVEL	§	
RN105136311	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1754-WQ-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Joe Johnson dba B & J Sand and Gravel ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a sand and gravel pit at the intersection of Waco Drive and Reeder Road in the Royal Oaks Estates Subdivision in Llano County, Texas (the "Site").
- 2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 23, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Two Thousand One Hundred Dollars (\$2,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Six Hundred Eighty Dollars (\$1,680) of the



Joe Johnson dba B & J Sand and Gravel DOCKET NO. 2007-1754-WQ-E Page 2

administrative penalty and Four Hundred Twenty Dollars (\$420) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Site, the Respondent is alleged to have failed to obtain authorization to discharge storm water associated with construction activities to water in the state, in violation of 30 Tex. ADMIN. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c), as documented during a record review conducted on September 27, 2007.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Joe Johnson dba B & J Sand and Gravel, Docket No. 2007-1754-WQ-E" to:

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Joe Johnson dba B & J Sand and Gravel DOCKET NO. 2007-1754-WQ-E Page 3

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Develop and implement a storm water pollution prevention plan, in accordance with the requirements of Texas Pollutant Discharge Elimination System General Permit TXR050000; and
 - ii. Submit an administratively complete Notice of Intent for authorization to discharge under Texas Pollutant Discharge Elimination System General Permit TXR050000 to:

Texas Commission on Environmental Quality Storm Water & General Permits Team; MC - 228 P. O. Box 13087 Austin, TX 78711-3087

b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2. a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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Joe Johnson dba B & J Sand and Gravel DOCKET NO. 2007-1754-WQ-E Page 4

Water Section, Manager Austin Regional Office Texas Commission on Environmental Quality 2800 S IH 35, Suite 100 Austin, Texas 78704-5712

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

For the Commission

Name (Printed or typed)

Authorized Representative of

Joe Johnson dba B & J Sand and Gravel

Section at the address in Section IV, Paragraph 1 of this Agreed Order.

SIGNATURE PAGE

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the

4/6/2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to
timely pay the penalty amount, may result in:
A negative impact on compliance history;
• Greater scrutiny of any permit applications submitted;
• Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional
penalties, and/or attorney fees, or to a collection agency;
• Increased penalties in any future enforcement actions;
• Automatic referral to the Attorney General's Office of any future enforcement actions; and
• TCEQ seeking other relief as authorized by law.
In addition, any falsification of any compliance documents may result in criminal prosecution.
Signature POA for J. B. Johnson 1/20/2008 Date
Brad W. Shaw P. C.A.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues

Title